

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 223

## **HOUSE BILL 2067**

AN ACT

AMENDING SECTIONS 41-1801 AND 41-1803, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 7.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1805; RELATING TO CRITICAL INFRASTRUCTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1801, Arizona Revised Statutes, is amended to  
3 read:

4 41-1801. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Critical infrastructure" means ~~system~~ SYSTEMS and assets, whether  
7 physical or virtual, that are so vital to this state and the United States  
8 that the incapacity or destruction of those systems and assets would have a  
9 debilitating impact on security, economic security, public health or safety.

10 2. "Critical infrastructure information" ~~includes site specific~~  
11 ~~information such as floor and facility plans, fire protection information,~~  
12 ~~tactical and disaster preplans, evacuation plans, utility information, known~~  
13 ~~hazards, images of the venue and facility personnel contact information,~~  
14 ~~single point failure analysis, surveillance and detection systems and service~~  
15 ~~delivery systems and processes~~ MEANS INFORMATION THAT IS NOT CUSTOMARILY IN  
16 THE PUBLIC DOMAIN AND THAT IS RELATED TO THE SECURITY OF CRITICAL  
17 INFRASTRUCTURE OR PROTECTED SYSTEMS AND THAT IS RELATED TO ANY OF THE  
18 FOLLOWING:

19 (a) AN ATTACK, EITHER PHYSICAL OR COMPUTER BASED.

20 (b) THE ABILITY OF CRITICAL INFRASTRUCTURE TO RESIST SUCH AN ATTACK  
21 INCLUDING PLANNED OR PAST ASSESSMENTS OF VULNERABILITY AND RISK MANAGEMENT  
22 PLANNING.

23 (c) PLANNED OR PAST OPERATIONAL PROBLEMS REGARDING CRITICAL  
24 INFRASTRUCTURE.

25 3. "Critical infrastructure information system" means a program that  
26 uses advanced technologies to provide personnel who are involved in homeland  
27 security planning and operations with real time information regarding  
28 critical infrastructure within this state and critical infrastructure located  
29 outside of this state that may affect the safety and well-being of citizens  
30 of this state.

31 Sec. 2. Section 41-1803, Arizona Revised Statutes, is amended to read:

32 41-1803. Statewide critical infrastructure information system;  
33 disclosure

34 A. The department of public safety shall establish and operate a  
35 statewide critical infrastructure information system.

36 B. When the department of public safety declares through written  
37 notice to all state agencies and local governments that the statewide  
38 critical infrastructure information system is operational, all state agencies  
39 and local governments shall only use the statewide critical infrastructure  
40 information system and shall not operate independent critical infrastructure  
41 information systems. State agencies and local governments are not required  
42 to use the statewide system if they are operating or developing a critical  
43 infrastructure information system before the department of public safety  
44 declares that the statewide critical infrastructure information system is  
45 operational. State agencies and local governments shall make efforts to

1 ensure that the statewide system is interoperable with other critical  
2 infrastructure information systems allowed by law.

3 C. All state and local government-owned critical infrastructure  
4 facilities that are occupied by state or local government employees shall be  
5 added to the statewide critical infrastructure information system when  
6 funding is available. Nothing in this article requires any state agency or  
7 local government to add a critical infrastructure facility to the system  
8 unless the entire cost of adding the facility is provided by available  
9 federal monies.

10 D. ~~All federal and privately~~ EXCEPT FOR STATE AND LOCAL GOVERNMENT  
11 owned critical infrastructure facilities, ANY ENTITY may voluntarily  
12 participate in the statewide critical infrastructure information system at  
13 their own cost. Tribal participation shall be supported with federal monies  
14 provided directly or by this state under procedures established for grant  
15 allocations by the office of the governor.

16 E. Consistent with the guidelines developed under section 41-1804, the  
17 department of public safety shall make critical infrastructure information  
18 available, consistent with information protection procedures, to all state,  
19 local, federal and tribal law enforcement agencies, the department of  
20 emergency and military affairs, public health organizations, the department  
21 of agriculture, the department of health services, fire departments and other  
22 organizations as necessary to safeguard personnel and property in this state.

23 F. The department of public safety shall pursue federal monies for all  
24 state and local critical infrastructure facilities to be added to the system.

25 G. All critical infrastructure information provided to the department  
26 of public safety is exempt from public disclosure.

27 H. FOR THE PURPOSES OF THIS ARTICLE, "LOCAL GOVERNMENT" MEANS ANY  
28 COUNTY, CITY, TOWN, SCHOOL DISTRICT OR TRIBAL LAW ENFORCEMENT AGENCY.

29 Sec. 3. Title 41, chapter 12, article 7.1, Arizona Revised Statutes,  
30 is amended by adding section 41-1805, to read:

31 41-1805. Violation: classification

32 IN ADDITION TO ANY PENALTY IMPOSED BY FEDERAL LAW, ANY STATE OR LOCAL  
33 GOVERNMENTAL EMPLOYEE AND ANY ENTITY THAT SUBMITS OR RECEIVES INFORMATION  
34 UNDER THIS ARTICLE AND WHO KNOWINGLY PUBLISHES, DIVULGES, DISCLOSES OR MAKES  
35 KNOWN IN ANY MANNER OR TO ANY EXTENT NOT AUTHORIZED BY LAW ANY CRITICAL  
36 INFRASTRUCTURE INFORMATION AS DEFINED IN SECTION 41-1801 THAT THE PERSON  
37 KNOWS IS PROTECTED FROM DISCLOSURE BY THIS ARTICLE IS GUILTY OF A CLASS 5  
38 FELONY.

APPROVED BY THE GOVERNOR MAY 23, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2007.